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| APPLICATION NO.                         | FILING DATE    | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.        |  |
|---|----------------|----------------------|---------------------|-------------------------|--|
| 10/082,846                              | 02/26/2002     | Joel E. Cordsmeyer   | BELL-0118/01116     | 6839                    |  |
| 52270 7:                                | 590 06/07/2006 |                      | EXAM                | EXAMINER                |  |
| POTOMAC PATENT GROUP, PLLC P.O. BOX 270 |                |                      | AL HASHEN           | AL HASHEMI, SANA A      |  |
| FREDERICKSBURG, VA 22404                |                |                      | ART UNIT            | PAPER NUMBER            |  |
|   | ,              |                      | 2164                |                         |  |
|   |                |                      |                     | DATE MAILED: 06/07/2006 |  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |  | Application No.   | Applicant(s)  |  |  |  |
|---|--|---|---|--|--|--|
|   |  | 10/082,846  | CORDSMEYER ET AL.   |  |  |  |
|   | Office Action Summary  | Examiner  | Art Unit  |  |  |  |
|   |  | Sana Al-Hashemi   | 2164  |  |  |  |
|   | The MAILING DATE of this communication appears on the cover sheet with the correspondence address<br>Period for Reply  |   |   |  |  |  |
| WHIC<br>- Exter<br>after<br>- If NO<br>- Failu<br>Any r   | ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. It is period for reply is specified above, the maximum statutory period vere to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b). | ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE | lely filed the mailing date of this communication. (35 U.S.C. § 133). |  |  |  |
| Status  |  |   |   |  |  |  |
| 2a)⊠  | Responsive to communication(s) filed on 31 M This action is <b>FINAL</b> . 2b) This Since this application is in condition for allower closed in accordance with the practice under E  | action is non-final.<br>nce except for formal matters, pro  |   |  |  |  |
| Dispositi   | on of Claims   |   |   |  |  |  |
| 5)□<br>6)⊠<br>7)□<br>8)□<br><b>Applicati</b><br>9)□   | Claim(s) 1-7 and 11-20 is/are pending in the ap 4a) Of the above claim(s) 8-10 is/are withdrawn Claim(s) is/are allowed.  Claim(s) 1-7 and 11-20 is/are rejected.  Claim(s) is/are objected to.  Claim(s) are subject to restriction and/or on Papers  The specification is objected to by the Examine The drawing(s) filed on is/are: a) according a content of the Replacement drawing sheet(s) including the correct  | n from consideration.  r election requirement.  er.  epted or b) □ objected to by the Edrawing(s) be held in abeyance. See  | e 37 CFR 1.85(a).   |  |  |  |
| 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  |  |   |   |  |  |  |
| Priority u  | ınder 35 U.S.C. § 119  |   |   |  |  |  |
| <ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul> |  |   |   |  |  |  |
| 2)  Notic 3) Inform   | t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date  | 4)  Interview Summary Paper No(s)/Mail Da 5)  Notice of Informal P 6)  Other:   |   |  |  |  |

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### **DETAILED ACTION**

- 1. This action is issued in response to applicant's election filed 3/31/06.
- 2. Claims 2, 4,6,7,12-14 were amended. Claims 8-10 were withdrawn. Claims 15-20 were added.
- 3. Claims 1-7, and 11-20 are pending.
- 4. Applicant's arguments filed 3/31/06 have been fully considered but they are not persuasive.

## Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, and 11, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which "ensuring there is adequate temporary memory for storing new statistical records before the procedure initiates deletion of older statistical records in permanent memory, the new statistical records comprising statistical records generated while the older statistical records are being deleted" was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It's unclear to the Examiner how the procedure would ensure the adequacy of the temporary memory if the new

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statistical records were not generated since according to the claim language the new statistical records are generated while the order statistical records are being deleted. Since the claims are enabling art will not be applied.

### Response to Arguments

6. Applicant argues that (Specification, 0014 Lines 9-14) discloses the support for the claimed invention as claimed in claims 1, and 11, however, the cited portion of the specification discloses "the amount of free log space that is required will necessarily depend on a number of factors such as the number of statistical records <u>likely to be generated</u> during the time of the purge script is running"

Examiner disagrees. The claim language discloses <u>ensuring</u> there is adequate temporary memory for storing statistical records. In order to ensure the adequate memory space you need to have an exact number of record to ensure the free space available. The cited portion discloses the free log space depends on some factors like number of records likely to be generated (the term likely is just a prediction or assumption), which is very different from the claim language the claim language discloses the free spaces is ensured even before the new records are being generated or the old record are being deleted. Examiner believes the cited portion of the specification does not provide the support for the claimed invention as claimed and therefore the 112 rejection is maintained and finalized.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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# Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013.

The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sana Al-Hashemi Patent Examiner

Technology Center 2100

June 2, 2006